

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JOHN ANDERJASKA, CHUNGYAO CHEN,
TEENA COLEBROOK, JOEL GRIFFITH, ART
HEINEMAN, CALVIN WILLIAMS, CHARLES
WITTE, on behalf of themselves and all others
similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A., CAPITAL ONE,
N.A., CITIBANK, N.A., J.P. MORGAN CHASE,
N.A., WELLS FARGO BANK, N.A.,

Defendant.

Case No. 1:19-cv-03057-LTS

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and, Defendant Citibank, N.A. (“Citibank”) will move this Court, before the Honorable Laura Taylor Swain, at the courthouse located at 500 Pearl Street, New York, New York, for an order pursuant to Federal Rules of Civil Procedure 12(b)(1) dismissing Plaintiffs’ Complaint (ECF No. 1), which was removed to this Court on April 5, 2019.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Individual Rules of Practice of Judge Laura Taylor Swain, Rule 2(b)(ii), defendant Citibank certifies that it has used its best efforts to informally resolve the matters raised in this motion. On March 13, 2019, Citibank’s Counsel and Plaintiffs’ counsel (collectively “Counsel”) had a telephonic meet and confer. After that telephonic meet and confer, Counsel continued to communicate via email. On May 12, 2020, Citibank emailed a letter to Plaintiffs’ counsel outlining its bases for its motion to dismiss. Citibank understands that Plaintiffs’ counsel is currently considering amending the

Complaint as to Citibank. Counsel will continue to meet and confer and use best efforts to attempt to resolve this matter informally.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, opposition papers shall be served on defendant Citibank by May 28, 2020. Reply papers, if any, shall be served by June 4, 2020.

Dated: May 14, 2020
New York, NY

MAYER BROWN LLP

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